



W.P.(MD)No.21461 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21461 of 2015

and

M.P.(MD)No. 1 of 2015

Dr.K.Selvaraj

... Petitioner

Vs.

1. The Director of Collegiate Education,
College Road, Chennai – 600 006.
 2. The Joint Director of Collegiate Education,
Madurai Region, Madurai – 625 020.
 3. Pasumpon Thiru Muthuramalinga Thevar Memorial College,
Represented by its Secretary,
Pasumbon, Kamuthi,
Ramnad District – 623 603.
 4. Dr.S.Chellam,
Associate Professor,
Pasumpon Thiru Muthuramalinga Thevar Memorial College,
Pasumbon, Kamuthi,
Ramnad District – 623 603.
- Respondents

[R-4 impleaded vide Court order, dated 14.10.2020]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, calling for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.2435/E2/2015, dated 30.10.2015 and his consequential proceedings in Na.Ka.No.2435/E1/2015-1, dated 18.11.2015 and quash the same.

For Petitioner : Mr.K.Ragatheesh Kumar, for
M/s.Isaac Chamber

For R-1 & R-2 : Mr.D.Sadiq Raja,
Additional Government Pleader

For R-2 & R-4 : No appearance

ORDER

This Writ Petition has been filed to quash the impugned proceedings issued by the 2nd respondent in Na.Ka.No.2435/E2/2015, dated 30.10.2015 and his consequential proceedings in Na.Ka.No.2435/E1/2015-1, dated 18.11.2015.

2. The petitioner was appointed in the 3rd respondent college on 23.03.1983, based on his qualification. The 3rd respondent is a private aided college receiving grant in aid. After



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completion of his successful carrier, the petitioner was retired from service on 31.01.2014. The 3rd respondent has issued a show cause notice admittedly, after his retirement.

3. Heard Mr.K.Ragatheesh Kumar, for M/s.Isaac Chamber, learned Counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader learned Counsel appearing for the respondents. Perused the material documents available on record.

4. The contention of the petitioner is that the show cause notice was issued questioning the petitioner's appointment since the impleaded 4th respondent has preferred a complaint stating that the petitioner was appointed without following the Roster. But, the show cause notice was issued after petitioner's retirement, when there is no employer and employee relationship between the petitioner and the 3rd respondent.

5. In view of the foregoing reasons, this Court is inclined to quash the impugned proceedings.



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6. Accordingly, this Writ Petition is allowed. The impugned proceedings issued by the 2nd respondent in Na.Ka.No.2435/E2/2015, dated 30.10.2015 and his consequential proceedings in Na.Ka.No.2435/E1/2015-1, dated 18.11.2015 are set aside. No Costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
KSA

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To

1. The Director of Collegiate Education,
College Road,
Chennai – 600 006.
2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai – 625 020



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S.SRIMATHY, J

KSA

**Order made in
W.P.(MD)No.21461 of 2015**

19.01.2023